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THE NATIONAL ASSEMBLY

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SOCIALIST REPUBLIC OF VIET NAM

**Independence - Freedom -
Happiness**

*Ha Noi ,day 21
month 12 year 1999*

LAW**No. 16/1999/QH10 ON VIETNAM PEOPLE'S ARMY OFFICERS**

In order to build a strong contingent of officers of the Vietnam People's Army, acting as the core for building a revolutionary, regular, well-trained and gradually modern people's army, which ensures the fulfillment of all assigned tasks and contribute to the building of the entire-people's defense, building and firmly defending the socialist Vietnamese Fatherland;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law prescribes the officers of the Vietnam People's Army

Chapter I**GENERAL PROVISIONS****Article 1. Officers of the Vietnam People's Army**

The officers of the Vietnam People's Army (hereafter called officers) are cadres of the Communist Party of Vietnam and the State of the Socialist Republic of Vietnam, operating in the military domains and bestowed the rank of company officer, field officer or general officer by the State.

The military uniforms, shoulder straps and insignia of officers are stipulated by the Government.

Article 2. Position, function of officers

The officers constitute the core of the army and the principal element of the contingent of military officials, who undertake the leading, commanding or managing posts or directly perform a number of other tasks, ensuring that the army is ready for combat and the fulfillment of any assigned tasks.

Article 3. Leading, commanding and managing officers

The contingent of officers is placed under the absolute, direct and comprehensive leadership of the Communist Party of Vietnam, the supreme command of the State President, the unified management of the Government and the direct command and management of the Minister of Defense.

Article 4. Recruitment conditions for training of officers

Citizens of the Socialist Republic of Vietnam who meet all criteria on politics, virtues, educational levels, health and age, wish and have capability to operate in the military domain may be recruited for training to be officers.

Article 5. Supplementary sources of active officers

The following people shall be recruited to supplement the contingent of active officers:

1. Non-commissioned officers, cadets graduating from officers training schools or non-military universities;
2. Non-commissioned officers and men who have well fulfilled their combat tasks;
3. Career military personnel and military employees on active service, who have university or higher degrees and have been trained, fostered in military programs under the stipulations of the Minister of Defense.
4. Non-military officials and employees and persons with university or higher degrees, mobilized for service in the army and trained, fostered in the military programs under the stipulations of the Minister of Defense;
5. Reserve officers.

Article 6. Rights, obligations and responsibilities of officers

1. Officers have the rights and obligations of citizens under the Constitution and laws of the Socialist Republic of Vietnam; have the rights, obligations and responsibilities as prescribed in this Law.

2. Officers are guaranteed by the State with the preferential policies and regimes suitable to the nature of the particular military activities.

Article 7. Interpretation of terms

In this Law, the following terms are construed as follows:

1. Active officers are the officers of the standing force who are on active service in the army or sent on dispatch.
2. Dispatched officers are active officers who are sent to work in non-military agencies or organizations.
3. Reserve officers are the officers of the reserve force, who are registered, managed and trained to be ready to be mobilized into the army.
4. Class-one reserve officers and class-two reserve officers are the reserve officers, classified according to ages for the class-one and class-two reserve as provided for in Clause 1, Article 13 of this Law.
5. Commanding and staff officers are the officers who undertake the tasks of combat operation, training and building of the military forces.
6. Political officers are the officers who undertake the Party work and political work.
7. Logistic officers are the officers who undertake the tasks of material supply for daily life, training and combat activities of the army.
8. Technical officers are the officers who undertake the technical work regarding weapons and equipment.
9. Other specialized officers are the officers who undertake the work in branches other than those performed by officers groups defined in Clauses 5, 6, 7 and 8 of this Article.
10. Officer's rank bestowal means the decision to grant the military rank and grade to a to be-officer.
11. Officer's rank promotion means the decision to promote an officer from a lower rank to a higher rank.
12. Officer's rank demotion means the decision to demote an officer from a higher rank to a lower rank.
13. To strip off officer's rank means the decision to deprive an army man of the officer's rank.
14. Demobilized officers are the officers who have been transferred outside the army.
15. To change the officer's status means to transfer an officer from the active status to the reserve status or vice versa.
16. To change the class of reserve officer means to transfer a reserve officer from class one to class two.
17. Discharge from the status of reserve officer means the transfer from the reserve officers status.

Article 8. Statuses of officers

The officers are divided into two statuses: The active officers and the reserve officers.

Article 9. Branch groups of officers

The officers cover the following branch groups:

1. The commanding, staff officers;
2. The political officers;
3. The logistic officers;
4. The technical officers;
5. Other specialized officers.

Article 10. Officers ranks and grades system

The officers ranks and grades system comprises three ranks and twelve grades:

1. The company officer's rank includes four grades

Second lieutenant;

Lieutenant;

Senior lieutenant;

Captain.

2. The field officer's rank includes four grades:

Major;

Lieutenant colonel;

Senior lieutenant colonel;

Colonel.

3. The general rank include four grades:

Major general, naval rear-admiral;

Lieutenant general, naval vice-admiral;

Senior lieutenant general, naval admiral;

General.

Article 11. Posts of officers

1. Officers fundamental posts include:

Platoon leader;

Company commander;

Battalion commander;

Regiment commander, district military commander;

Brigade commander;

Division commander, provincial military commander;

Army corps commander;

Military Region commander; army service commander;

General Department director;

Chief of the General Staff, director of the Political General Department;

The Minister of Defense.

2. The posts of the Border Guard, services, agencies, schools and other fields similar to the posts defined in Clause 1 of this Article and the remaining posts shall be stipulated by the competent authorities.

Article 12. Criteria of officers

1. General criteria:

a) Being politically steadfast, absolutely loyal to the Fatherland and people, the Communist Party of Vietnam and the State of the Socialist Republic of Vietnam; having the spirit of high revolutionary vigilance, being ready to fight, make sacrifice and fulfill all assigned tasks;

b) Having revolutionary virtues; being industrious, thrifty, incorruptible, upright, devoted and impartial; being exemplary in observing the lines and under-takings of the Party as well as policies and laws of the State; promoting democracy, strictly maintaining the army disciplines; respect and unite with people, with comrades-in arms; being trusted by the mass;

c) Having the political and military qualifications and the capability to creatively apply Marxism-Leninism, the Ho Chi Minh thoughts, the Party's and State's lines, viewpoints and policies to the task of building the entire-people defense as well as the people's army; having knowledge about the cultural, economic, social, legal and other matters; having the capability

to carry out practical activities, meeting the requirements of the assigned tasks; having graduated from the training programs prescribed for each post;

d) Having clear life story, ages and health suited to the officers posts and ranks.

2. The specific criteria for each officer's post are stipulated by the competent authorities.

Article 13. Service ages of officers

The maximum age limits for active officers and reserve officers are stipulated as follows:

1. According to officers ranks

The company rank: Active: 44, class-one reserve: 46, class-two reserve: 48;

Major: Active: 46, class-one reserve: 49, class-two reserve: 52;

Lieutenant colonel: Active: 49, class-one reserve: 52, class-two reserve: 55;

Senior lieutenant colonel: Active: 52, class-one reserve: 55, class-two reserve: 58;

Colonel: Active: 55, class-one reserve: 58, class-two reserve: 60

The general rank: Active: 60, class-one reserve: 63, class-two reserve: 65.

2. According to commanding posts:

Platoon leader 30

Company commander 35

Battalion commander 40

Regiment commander 45

Brigade commander 48

Division commander 50

Army corps commander 55

Military Zone commander, service commander 60

The maximum age limits for leading and commanding officers of technical, professional, regional army and reserve units may be higher than those of the corresponding posts stipulated in this Clause, but must not be 5 years older.

3. When the army has the demand, officers with full qualifications, capability, good health and voluntariness may extend their service in the army to the age limits for class-one reserve officers; officers engaged in scientific research and teaching at schools may extend their service to the age limits for class-two reserve officers; for special cases, the officers' service may extend beyond the age limits for class-two reserve officers.

Article 14. Responsibility to build the officers contingent

Within the scope of their respective functions, tasks and powers, agencies, organizations, people's armed forces units and all citizens have the responsibility to build the contingent of officers.

Chapter II

OFFICERS RANKS AND POSTS

Article 15. Highest ranks for officers posts

1. The highest ranks for officers fundamental posts are stipulated as follows:

Platoon leader: senior lieutenant;

Company commander: captain

Battalion commander: major

Regiment commander, district military commander: lieutenant colonel;

Brigade commander: senior lieutenant colonel;

Division commander, provincial military commander: colonel;

Army corps commander: Major general;

Military zone commander, army service commander: lieutenant general;

General Department director: lieutenant general;

Chief of the General Staff, director of the Political General Department: General;

Minister of Defense: General.

2. The highest ranks of posts corresponding to those defined in Clause 1, this Article and the remaining posts shall be stipulated by the competent authorities.

3. For officers of special task force units, the military forces of key provinces, centrally-run cities, districts, provincial capitals and cities according to the stipulations of the Ministry of Defense, the highest ranks shall be one grade higher than the maximum ranks of the corresponding posts defined in Clause 1 of this Article.

Article 16. Subjects entitled to be bestowed with ranks of active officers

The following persons shall be considered for bestowment of active officers ranks:

1. Cadets graduating from active officers training schools shall be bestowed the rank of second lieutenant; those who graduate with excellent grade or good grade but have already been engaged in combat, combat service or conferred the title of "Hero of the People's Armed Forces" or "Labor Hero" shall be bestowed the rank of lieutenant;

2. Non-commissioned officers and soldiers during war time; professional army men and military employees on active service; officials and employees outside the army and persons with university or higher degrees, who are mobilized for active service in the army and appointed to the officers' posts, shall be bestowed the corresponding ranks of officers.

Article 17. Rank promotion for active officers

1. Active officers shall be entitled to rank promotion when meeting the three following conditions:

- a) Fully meeting the prescribed conditions;
- b) Their current ranks are lower than the highest ranks prescribed for the posts they are holding;
- c) Meeting the time limits for rank promotion consideration prescribed in Clause 2, this Article.

2. The rank promotion consideration time limits for active officers are stipulated as follows:

From second lieutenant to lieutenant 2 years;

From lieutenant to senior lieutenant 3 years;

From senior lieutenant to captain 3 years;

From captain to major 4 years;

From major to lieutenant colonel 4 years;

From lieutenant colonel to senior colonel 4 years;

From senior colonel to colonel 4 years;

The time limits for general rank promotion are not stipulated.

The time the officers study at schools shall be counted into the duration for rank promotion consideration.

During war time, the rank promotion consideration time limits may be shortened according to the stipulations of the competent authorities.

3. Officers recording exceptionally outstanding merits shall be considered for over skipping rank promotion.

Article 18. Officers rank promotion ahead of time

Officers shall be considered for rank promotion ahead of the time limits prescribed in Clause 2, Article 17 of this Law in the following cases where:

1. They record outstanding exploits in combat or are awarded Orders for achievements in their work or scientific research;
2. They well fulfill their responsibilities and tasks of the current ranks which are two or more grades lower than the highest ranks prescribed for the posts the officers are holding.

Article 19. Prolonging the time limits for officers rank promotion consideration

1. Those officers who are due for rank promotion consideration but fail to fully meet the prescribed conditions shall be considered for rank promotion in subsequent years, but not beyond the time limits prescribed in Clause 2, Article 17 of this Law; if past such time limits the officers still fail to be promoted, they shall be demobilized.
2. If during the promotion consideration time limit, officers are disciplined with warning, demotion or stripping or in the final year of the rank promotion consideration time limits, the officers are disciplined with reprimand, the promotion consideration time limits shall be prolonged for at least one year.
3. Demoted officers shall be considered for rank promotion after at least one year from the date of demotion if they make progress.

Article 20. The levels of officers rank demotion and promotion.

Officers are promoted or demoted only one grade at a time; only for special cases, multi-grade demotion or promotion shall apply.

Article 21. Appointment and dismissal for officers posts

1. Officers shall be appointed to posts when there are staff demand and they fully meet the criteria prescribed for their incumbent posts.
2. The dismissal of officers from their posts shall be effected in the following cases:
 - a) When there is change in organization which no longer requires the posts being held by the officers;
 - b) The officers no longer satisfy the criteria and conditions for holding the current posts;
 - c) The officers are beyond the ages for active service in the army as provided for in Clause 1, Article 13 of this Law and are not allowed to prolong their active service in the army.
3. Officers may be assigned posts lower than their incumbent posts or posts with prescribed highest ranks being lower than their current ranks in the following cases where:
 - a) They are reinforced for special tasks;
 - b) There are changes in organization, staff;
 - c) Adjustments are made for conformity with the officers capabilities and/or health conditions.

Article 22. Relations among officers grades and posts

Officers with higher grades are the superior of the officers with lower grades; where officers with posts higher but grades equal or lower than the grades of officers under their management, the officers with higher posts shall be the superior.

Article 23. The right to suspend the posts of officers in emergency cases

In emergency cases where officers refuse to obey orders which may cause serious consequences, the officers with the post of regiment commander or higher may suspend the posts held by such officers and appoint other persons to temporarily take their places, and at the same time immediately report such to the immediate superiors.

Article 24. Detachment of officers

Depending on the defense requirements and tasks, active officers shall be detached to work in non-military agencies and/or organizations by decisions of the competent authorities.

Article 25. Competence to make decisions on officers

1. Competence for post appointment, rank bestowment and promotion for officers is stipulated as follows:
 - a) The State President shall appoint the Chief of the General Staff and the director of the General Department for Political Affair; bestow and promote the ranks of General, Senior Lieutenant General and Naval Admiral;
 - b) The Prime Minister shall appoint General Department directors, Military Zone commanders, Army Service commanders, Army Corps commanders and corresponding posts; bestow and promote the ranks of Lieutenant General,

Naval Vice Admiral, Major General and Naval Rear Admiral;

c) The appointment of posts in the Procuracy, Courts and Judgment Execution Bodies in the army shall comply with the provisions of law;

d) The Minister of Defense shall make post appointment and rank bestowment and promotion for the remaining cases.

2. Authorities competent to appoint any posts and bestow and promote any ranks shall have the right to prolong the active service of, to increase salaries for, to mobilize, detach, remove from posts, assign lower posts to, demote, strip, degrade, discharge from active service, officers of such posts and ranks, change the status, class and remove the status of reserve officers of such posts and ranks.

Chapter III

OBLIGATIONS, RESPONSIBILITIES AND INTERESTS OF OFFICERS

Article 26. Obligations of officers

The officers shall have the following obligations:

1. To be ready to fight and sacrifice for the independence, sovereignty and territorial integrity of the Fatherland, to protect the Communist Party of Vietnam and the State of the Socialist Republic of Vietnam; to take part in national construction, to protect the property and interests of the State, agencies and organizations; to protect the life, property, legitimate rights and interests of individuals;

2. To regularly preserve and foster the revolutionary virtues, study and train themselves in order to raise their professional levels, knowledge, political, military, cultural and professional capabilities as well as their physical strength to fulfill their tasks.

3. To absolutely submit to their organizations and commanders; to strictly abide by the army rules, statutes, regimes and regulations; to keep the military and State secrets;

4. To constantly care for the material and spiritual interests of the army men;

5. To exemplarily observe and mobilize people to observe the Party's lines and undertakings and the State's policies and laws; to respect and maintain close contact with people.

Article 27. Responsibilities of officers

The officers shall have the following responsibilities:

1. To take responsibility before law and their superiors for the orders they issue, for the obedience to the superiors orders and the task performance by their subordinates.

2. To lead, command, manage and organize the implementation of all tasks of their units according to their assigned responsibilities; to ensure that their units strictly adhere to the Party's lines and undertakings, abide by the State's laws and policies, the army's rules, statutes, regimes and regulations and are ready to fight and well fulfill all tasks in any circumstance and under any condition;

3. Upon receipt of orders from their commanders, if officers have grounds to believe that such orders contravene laws, they shall have to immediately report such to the persons who have issued such orders; in cases where they still have to obey the orders, they shall have to promptly report to the immediate superiors of the persons who have issued such orders and shall not have to bear responsibility for the consequences arising from the implementation of such orders.

Article 28. Things must not be done by officers

Officers must not do things contrary to laws and/or the army disciplines and things not to be done by State officials and employees as prescribed by law.

Article 29. Obligations, responsibilities and interests of officers on detachment

Officers on detachment shall have the following obligations, responsibilities and interests:

1. To fulfill the obligations and responsibilities and enjoy the interests like officers on active service in the army; to be provided with working and living conditions by the agencies and/or organizations they are detached to.

2. To perform the tasks assigned by the Ministry of Defense providing advices on defense tasks and subject to the management by the agencies or organizations they are detached to.

Article 30. Training and fostering for officers

1. Officers are cared for, encouraged and given conditions by the Party and the State to develop their talents.

2. Officers shall be trained and fostered at schools inside and outside the army according to work requirements.

Article 31. Salary, allowance, dwelling houses and working conditions for active officers

Officers on active service shall be entitled to salary, allowances, dwelling houses and working conditions as follows:

1. The salary and allowance regime is stipulated by the Government; the officers' salary scales based on army ranks, grades and posts shall be stipulated in conformity with the characteristics and tasks of the army; the seniority based on the current salary scales and the duration on active service in the army. Officers shall enjoy allowances and subsidies of particularly military nature;
2. Officers who fully meet the criteria and are due for rank promotion consideration but have been bestowed the highest ranks of the posts they are holding or the rank of colonel for four years or more without having been promoted to the general rank shall enjoy the salary increase according to the salary regime for officers;
3. If an officer concurrently holds many posts at a time, he/she shall be entitled to the interests prescribed for the highest post;
4. When being assigned posts lower than their current posts as provided for at Point a, Clause 3, Article 21 of this Law, the officers shall be entitled to the interests prescribed for their former posts;
5. When there is a decision to relieve an officer from his/her post, he/she shall enjoy the interests according to new position;
6. Being provided with conditions to perform their tasks according to the regulations of the Minister of Defense;
7. Being provided with dormitories and civic status registration under the regulations of the Government.

Article 32. The regime of active officers rests

1. Active officers are entitled to public holidays as prescribed by the Labor Code and other holidays prescribed by the Minister of Defense.
2. Upon the general or local mobilization orders and during the war time, the Minister of Defense may issue order to suspend the officers' rest regime; all officers being on holidays must immediately return to their units.

Article 33. Healthcare for active officers and their families

1. Active officers shall be provided with healthcare; when getting wounded or sick at places far from military medical establishments or suffering from diseases which cannot be cured by military medical establishments, officers are entitled to medical examination and treatment at civil medical establishments with hospital fees paid by the army.
2. The fathers, mothers, lawful fosterers of the husbands and wives, the wives or husbands and under-18 children of active officers, who have no medical insurance, shall be provided with medical examination and treatment with hospital fees reduced or exempt at military and civil medical establishments according to the Government's regulations.

Article 34. Active officers transferred to work as professional army men or military employees

When current posts no longer require the employment of officers, the concerned officers, if fully meeting the prescribed conditions, shall be considered for transfer to the status of professional army men or military employees and enjoy salaries not lower than those while they were officers.

Article 35. Demobilized officers

1. Officers shall be demobilized in the following cases:
 - a) They meet the conditions for retirement;
 - b) Their ages surpass the active service ages prescribed in Clause 1, Article 13 of this Law;
 - c) The employment of officers, professional army men and/or military employees is no longer required due to changes in organizations and staff;
 - d) They are not qualified for rank promotion though the prolonged period for rank promotion consideration prescribed in Clause 1, Article 19 of this Law has expired;
 - e) They no longer satisfy the criteria prescribed for active officers.
2. Officers are discharged from active service in one of the following forms:
 - a) Retirement;

b) Transfer to civil organizations;

c) Demobilization and return to native places.

3. When being discharged from the active service, if meeting all criteria and still being in the class-two reserve ages prescribed in Article 13 of this Law, the officers shall be transferred to the status of reserve officers.

Article 36. Retirement conditions for officers

Officers may retire when:

1. They fully meet conditions according to the State's regulations on social insurance;

2. Where the retirement conditions prescribed in Clause 1, this Article, are not fully met while the army no longer requires the employment of officers, professional army men and/or military employees or they cannot be transferred to civil organizations, the officers may retire if they have already served the army for full 25 years, for male officers, or full 20 years, for female officers.

Article 37. Interests of officers discharged from active service

1. The retired officers shall enjoy the following interests:

a) Pensions calculated according to regulations in Clause 1, Article 31 of this Law;

b) Using military uniforms, shoulder straps and insignia on public holidays, conferences, meetings for the army's traditional exchanges;

c) Being provided with civic status registration and given conditions to live and work by the administration in localities where the officers reside lawfully; where officers have no dwelling houses, they shall be provided with dwelling houses or residential land according to the Government's regulations;

d) Being provided with medical examination and treatment under the medical insurance regime at military and civil medical establishments.

2. The transferred officers shall enjoy the following interests:

a) The State shall provide necessary professional training for transferred officers at the request of organizations;

b) To have their salary scales at the time of transfer reserved for a minimum period of 18 months;

c) When retiring, to enjoy the seniority allowances calculated according to the duration on active service in the army and their officers' grades at the time of transfer; where their current salary scales are lower than their officers' salary scales at the time of transfer, the latter shall be used for calculation of their pensions;

d) The interests prescribed at Point b and Point c, Clause 1, this Article.

3. Demobilized officers shall enjoy the following interests:

a) Employment allowances and lump-sum demobilization allowance;

b) If having full 15 or more years on active service in the army, when falling sick, they shall be given medical examination and treatment with hospital fees being exempt or reduced at military medical establishments as prescribed by the Minister of Defense;

c) The interests prescribed at Point b and Point c, Clause 1, this Article.

4. Officers who have had periods of time directly engaged in combat, combat service or working in particular localities, branches and trades shall be entitled to have such periods of time calculated according to preferential coefficient for enjoyment of interests when they are discharged from active service in the army.

The Government shall specify the implementation of this Article.

Chapter IV

RESERVE OFFICERS

Article 38. Classes of reserve officers

The reserve officers shall be classified into the class-one reserve officers and class-two reserve officers according to age limits prescribed in Clause 1, Article 13 of this Law.

Article 39. Subjects of reserve officers registration

The following persons shall be subject to reserve officers registration:

1. Officers, cadres being professional military personnel, who, when discharged from the active service in the army, still meet the criteria and conditions prescribed for reserve officers;
2. Professional military personnel and non-commissioned officers, who have been discharged from active service in the army, and reserve non-commissioned officers who have been under the officers training;
3. State officials and employees outside the army and persons with university or higher degrees and with profession suited to the requirements of the army, who have been trained as reserve officers.

Article 40. Summoning persons for reserve officers training and summoning reserve officers for active service in the army

Basing him/herself on the Government's plan, the Minister of Defense shall have the right to:

1. Summon State officials and employees, students and persons with university or higher degrees outside the army for reserve officers training;
2. Summon reserve officers for active service in the army in the following cases:
 - a) During peace time, for reserve officers who have not yet served in the army, the time for active service is two years;
 - b) During war time, when there are orders for general mobilization, local mobilization or when there is demand for officers to assume combat tasks, combat services for the defense of territorial sovereignty, but not to the extent of local mobilization.

Article 41. Post appointment, rank bestowment and promotion for reserve officers

The post appointment, and rank bestowment and promotion for reserve officers are stipulated as follows:

1. Cadets graduating for reserve officers training schools shall be bestowed the rank of second lieutenant of reserve officers;
2. State officials and employees graduating from reserve officers training schools shall, depending on the to be appointed posts in the reserve units, their study and training results and their current salary levels, be considered for promotion to corresponding grades of reserve officers;
3. Depending on the staff demand, the criteria for the officers posts, the military study results and achievements in military service, reserve officers shall be appointed to posts in the reserve units and promoted to ranks corresponding to the posts they are holding;
4. The time limits for reserve officers rank promotion consideration shall be two years longer than the time limits for each grade of active officer prescribed in Clause 2, Article 17 of this Law;
5. Reserve officers shall be considered for promotion to corresponding grades, based on the criteria and regulations on the army grades of the posts they are appointed to, their current grades of reserve officers and the time limits for rank promotion consideration.

Article 42. Responsibilities of reserve officers

The reserve officers shall have the following responsibilities to:

1. Make registration and submit to the management of the local administration and military offices of localities where they reside or work and the reserve army units;
2. Participate in training courses, gather for examination of mobilization readiness and combat readiness according to the regulations of the Minister of Defense.
3. Fulfill their assigned missions and tasks in the reserve force;
4. Serve in the army as prescribed in Clause 2, Article 40 of this Law.

Article 43. The interests of reserve officers

The reserve officers shall have the following interests:

1. To enjoy responsibility allowances for the management of reserve army units; during the time of gathering for training, mobilization readiness examination and combat readiness examination, to enjoy wages, allowances, subsidies, medical examination and treatment at military medical establishments as well as other regimes prescribed by the Government; to be exempt from performing public labor duties;

2. Reserve officers summoned for service in the army during peace time, when the time limits expire, they are entitled to return to their offices or localities where they worked or lived before joining the army and continue to serve in the reserve force; where the army has the demand, officers who satisfy the criteria shall be transferred to the status of active officers.

Article 44. Class transfer and relieving from reserve officers status

1. Reserve officers with ages reaching beyond the class-one reserve ages prescribed in Clause 1, Article 13 of this Law shall be transferred to class-two reserve officers.

2. Reserve officers with ages reaching beyond the class-two reserve ages or failing to meet the conditions and criteria shall be relieved from the status of reserve officers.

The class transfer and reserve officer status relief shall be decided by the competent authorities.

Chapter V

STATE MANAGEMENT REGARDING OFFICERS

Article 45. The contents of State management regarding officers

The contents of State management regarding officers shall include:

1. Promulgating and guiding the implementation of, legal documents on officers;
2. Drawing up planning and plans for building the contingent of officers;
3. Guiding and organizing the implementation of training, fostering, management, arrangement, employment of officers; policies and regimes towards officers;
4. Directing, organizing the inspection, examination and settlement of complaints and denunciations, commendation, handling of violations by officers and the implementation of the provisions of this Law.

Article 46. Responsibility of the Government, the ministries, the ministerial-level agencies and the agencies attached to the Government

1. The Government exercises unified State management regarding officers.
2. The Ministry of Defense shall take responsibility before the Government for exercising the State management over officers; assume the prime responsibility and coordinate with the ministries, the ministerial-level agencies, the agencies attached to the Government, the People's Committees of the provinces and centrally-run cities in performing the State management regarding officers.
3. The ministries, the ministerial-level agencies, the agencies attached to the Government shall, within the scope of their respective tasks and powers, have to coordinate with the Ministry of Defense in performing the State management regarding officers; train and supply the army with cadres suited to the military requirements; give priority to accepting and employing officers who have fulfilled their tasks in the army, fully meet the conditions for transfer according to the Government's plans; ensure conditions for implementation of policies and regimes towards active officers, demobilized officers and officers families.

Article 47. Responsibility of local administrations at all levels

The local administrations at all levels shall, within the scope of their tasks and powers, have the responsibility to:

1. Provide vocational guidance education, create sources of officers training among the youth;
2. Give priority to accepting and employing transferred and demobilized officers;
3. Register, manage and create conditions for reserve officers to fulfill their tasks according to the provisions of law;
4. Observe regimes and policies towards officers and their families residing lawfully in the localities.

Chapter VI

COMMENDATION AND HANDLING OF VIOLATIONS

Article 48. Commendation

Officers who record achievements in combat, combat service or work; agencies, organizations and individuals who have achievements in implementing this Law, shall be commended according to regulations of the State.

Article 49. Handling of violations

1. Officers who breach the army disciplines, the State's laws, shall, depending on the nature and seriousness of their breaches, be handled according to the Statute on management of army men, administratively sanctioned or examined for penal liability according to the provisions of law.
2. Officers shall temporarily not wear shoulder straps when being prosecuted, put in custody or detained; officers sentenced to imprisonment shall be automatically stripped of their army grades when the judgments take legal effect.
3. Agencies, organizations and individuals that violate this Law shall be handled according to law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 50. Implementation effect

This Law shall take effect as from April 1st, 2000.

This Law shall replace the Law on Officers of Vietnam People's Army of December 30, 1981 and the Law amending and supplementing a number of Articles of the Law on Officers of Vietnam People's Army of December 21, 1990.

The previous provisions contrary to this Law shall all be annulled.

Article 51. Stipulations on enforcement of the Law

The Government shall detail and guide the implementation of this Law.

This Law was passed on December 21, 1999 by the 10th National Assembly of the Socialist Republic of Vietnam at its 6th session.